

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:19-cr-10081-IT

GORDON ERNST, *et al.*,

Defendants.

**RESPONSE TO NOVEMBER 23, 2020 ORDER**

Pursuant to the Memorandum & Order dated November 23, 2020 (Dkt. 564), and reserving all rights to appeal, the parties in the above-captioned action submit the following report:

1. There is no reason not to apply Defendants' motions, the parties' briefings, and the Court's November 23, 2020 decision to the Second Superseding Indictment (Dkt. 505).
2. There is no reason not to dismiss the Superseding Indictment (Dkt. 272) as moot in light of the Second Superseding Indictment (Dkt. 505).

Dated: December 7, 2020

Respectfully submitted,

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#### **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by ECF on counsel for all parties on December 7, 2020.

/s/ Kristen A. Kearney

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